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17 UNITED STATES DISTRICT COURT
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19 DISTRICT OF NEVADA
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21 ORACLE USA, INC.; a Colorado corporation;
22 ORACLE AMERICA, INC.; a Delaware
23 corporation; and ORACLE INTERNATIONAL
24 CORPORATION, a California corporation,

25 Plaintiffs,
26 v.
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28 RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**MOTION TO SEAL PORTIONS OF
ORACLE'S MOTION TO COMPEL
RE POST-INJUNCTION
REQUESTS FOR PRODUCTION
AND EXHIBITS TO THE
DECLARATION OF DAVID R.
KOCAN**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents
2 entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), and Rules 5.2 and 26(c)
3 of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and
4 Oracle International Corporation (collectively “Oracle”) respectfully request that the Court grant
5 leave to file under seal Exhibits 4 and 21 to the Declaration of David R. Kocan (“Kocan
6 Declaration”) filed in support of Oracle’s Motion to Compel and Memorandum of Points and
7 Authorities re Post-Injunction Requests for Production (“Motion”) in their entirety, and those
8 portions of the Motion to Compel discussing the content of those exhibits. Certain redacted
9 portions of Oracle’s Motion and Exhibits 4 and 21 to the Declaration of David R. Kocan reflect
10 information that Rimini Street, Inc. (“Rimini”) has designated “Confidential” or “Highly
11 Confidential - Attorneys’ Eyes Only” under the Protective Order. Other redacted portions of
12 Oracle’s Motion reflect information drawn from additional sources designated by Rimini under
13 the Protective Order in *Rimini II*. Public, redacted versions of the Motion and Exhibits 4 and 21
14 were filed on August 19, 2019, *see* ECF No. 1237, and unredacted versions will be filed under
15 seal with the Court.

16 The Protective Order states, “Counsel for any Designating Party may designate any
17 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
18 Attorneys’ Eyes Only’ under the terms of this Protective Order only if such counsel in good faith
19 believes that such Discovery Material contains such information and is subject to protection under
20 Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any
21 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
22 Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party
23 reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

24 Oracle submits these documents under seal pursuant to the Protective Order based on
25 Rimini’s representation that it reasonably believes there is a valid basis under the Protective
26 Order for its confidentiality designations. Rimini has designated Exhibits 4 and 21 to the Kocan
27 Declaration as “Highly Confidential Information – Attorneys’ Eyes Only,” and thus represents
28

1 that those documents are subject to protection under Federal Rule of Civil Procedure 26(c) and
2 should be filed under seal. Because the material was designated by Rimini, Oracle is not in a
3 position to provide further justification for why filing the documents publicly would cause Rimini
4 harm.

5 Oracle has submitted all other portions of the Motion and Exhibits for filing in the Court's
6 public files, which will allow public access to all materials except for the portions discussed
7 above. Accordingly, this request to seal is narrowly tailored.

8 For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file
9 under seal the documents discussed above.

10 DATED: August 19, 2019

MORGAN, LEWIS & BOCKIUS LLP

12 By: /s/ John A. Polito
13 John A. Polito

14 Attorneys for Plaintiffs Oracle USA, Inc., Oracle
15 America, Inc. and Oracle International Corporation

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 2019, I electronically transmitted the foregoing **MOTION TO SEAL PORTIONS OF ORACLE'S MOTION TO COMPEL RE POST-INJUNCTION REQUESTS FOR PRODUCTION AND EXHIBITS TO THE DECLARATION OF DAVID R. KOCAN** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

MORGAN, LEWIS & BOCKIUS LLP

DATED: August 19, 2019

By: _____ /s/ *John A. Polito*
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation

CERTIFICATE OF SERVICE